

Kings County Enforcement Work Plan 2007/2008

Pesticide Use Enforcement Resources

- Personnel: 5 full-time Agricultural and Standards Inspectors
1 Deputy Agricultural Commissioner
1 Part time Computer Systems Administrator
1½ Data Entry positions
½ Clerical positions

The experience of the inspectors in the pesticide division range from two years to over eleven years.

A. Restricted Materials Permitting

Workload Fiscal Year (FY) 2006/07 – (No significant permitting workload changes are anticipated for FY 2007/08)

- Restricted Material Permits – 790
- Operator I.D.s – 125
- Notices of Intent – 5,114
- Preapplication Inspections: 354
- Total Sites – 8,099
- Total man hours: 4,400

Goal

- Protect the people of Kings County and their environment while allowing effective pest control.

Permit-Evaluation

Permits for restricted materials are issued for one year or less to the operator of the property to be treated. Permit sites are evaluated prior to the issuance of the permit utilizing the extensive local field knowledge of the experienced staff. Geographic Information System (GIS) maps are used to help evaluate the surrounding environment. These maps utilize aerial photography with section, township, and range information to help accurately locate permittee sites. Grower-provided maps are still used to help establish their sites on the aerial maps. Residential areas, schools, churches, waterways, parks, and other sensitive areas are noted on permit maps to assist in evaluating sites to determine if a substantial adverse impact may result from restricted material applications. Feasible alternatives to restricted pesticides are considered and implemented when appropriate. Permit conditions are addressed with applicants to assure that any possible environmental impacts are mitigated.

The inspectors ensure that permit applicants are qualified and have met the requirements to hold a restricted materials permit. Private and qualified applicators' license numbers and expiration dates are verified and listed on the permit. If the operator of the property is not

available to sign the permit, the authorized representative is allowed to sign with the proper documentation giving him or her the authority to do so. Permit supplements/amendments are allowed by fax on an approved form and with the appropriate signatures of both the inspector and the permittee. Permits are issued using the Restricted Material Management System (RMMS), which allows instant access to the permittee's pesticide use report history, down to the site level, if needed.

Permits are issued by licensed staff ranging in experience from 2 years to over 11 years in the area of pesticide use enforcement. From mid-December through the beginning of February, as many as five inspectors are assigned to the office to handle new permits and review Notices of Intent (NOIs). New staff work very closely with experienced staff in assuring permits are accurately issued. Annual training on the policies and procedures used to issue permits and properly identifying sites is given by the Pesticide Use Enforcement (PUE) Deputy and/or the DPR Enforcement Branch Liaison.

Permits are evaluated periodically by both the PUE Deputy, as well as the DPR Liaison, for accuracy and completeness. An expanded county-wide sensitive area map has been completed, although continually updated, to allow an even better assessment of potential hazards posed by proposed applications of restricted materials.

Deliverables

- Timely issuance of permits, following County and DPR guidelines.
- Evaluate permits for adverse environmental impacts.
- Document sensitive areas on permit maps.
- Ensure permit applicants are qualified to sign permits.
- Address deficiencies in the permit issuance process through staff training.

Site-Monitoring Plan

NOIs are recorded on the appropriate form and are received via fax, mail, office drop slot and walk-ins. Beginning in the summer of 2005, we began receiving NOIs through the County's web site utilizing the RMMS web application. Web NOIs are downloaded and automatically printed out every hour. At least one inspector is assigned to the office on a daily basis. This PUE office duty person reviews all NOIs for accuracy and completeness and assigns them to the appropriate "area." The county is divided into four "areas" and an inspector is assigned daily to one of these areas. Inspectors also perform weekend duty, usually on Saturdays, to review NOIs and handle bee clearance calls.

The inspector assigned to one of the four areas within the county reviews the NOIs. The inspectors assigned to the areas determine the applications in need of pre-application inspection based on many factors, such as adherence to permit conditions, the surrounding environment, distances to sensitive areas (residential areas, schools, parks, etc.), areas with a history of complaints, application method (air/ground), pesticide used, commodity, and applicator. A GIS map of the county's sensitive areas is utilized during this evaluation. A pre-application site inspection is performed on at least 5 % of all NOIs. Nearly all fumigant (methyl bromide, etc) applications near sensitive sites are inspected, assuring the buffer zones are both accurate and adequate. Defoliant applications near sensitive areas are also monitored above 5 %.

Deliverables

Target the following applications for pre-application site inspections:

- Methyl bromide and other fumigant applications within ¼ mile of sensitive areas. 100% pre-application and/or use monitoring inspection of these applications will be the goal.
- Aerial application of restricted herbicides within ¼ mile of susceptible crop.
- Aerial application of any restricted material near sensitive areas.
- Air blast (orchard/vineyard) applications near sensitive areas.
- Cotton defoliant applications, both air and ground, near sensitive areas.

B. Compliance Monitoring

Workload (Approximations) – No significant permitting workload changes are anticipated for 2007/08 (as compared to 2006/07)

- Pesticide Use Monitoring Inspections - 150
- Fumigation Inspections (Commodity/Field) - 16
- Field Worker Safety Inspections - 60
- Structural Inspections (Branch 1,2,3) - 40
- Records Inspections - 90
- Man Hours – 1,700

Goal

Utilize an effective and comprehensive compliance-monitoring program to reduce risks to people and the environment.

Comprehensive Inspection Plan

All 5 Inspectors are fully licensed in pesticide use enforcement and are experienced in pesticide field activities. We have 2 inspectors in the Department that are fluent in Spanish, but only 1 is a PUE Inspector. The other is utilized from time-to-time for field worker safety inspections and other interpreting duties.

Pesticide Use Monitoring Inspections are done on growers and pest control operators, focusing more on those utilizing employees to handle pesticides. Cotton is the major crop in the county, with over 145,000 acres planted in 2007. Various pesticides are applied throughout the cotton season, running from March through November. Targeted inspections include the use of aldicarb and phorate at planting time and the use of Tribufos and paraquat for defoliation.

Small plots of 2 acres or less of strawberries are scattered around the edges of Hanford and Lemoore and are fumigated periodically with methyl bromide. The objective of the Department is to monitor 100% of these applications.

Late winter/early spring applications of herbicides to pre-plant cotton fields on the west side of the county resulted in numerous drift complaints in 2005. Consequently, new herbicide drift permit conditions were instituted for the 2006 season. Additional surveillance and use monitoring inspections on those applications are done during this time period. As a result, no reports of loss have been submitted since 2005 on the west side. The herbicide

conditions, as well as the additional surveillance and use monitoring activities, will be continued in 2007/08.

Although Notices of Intent are utilized to determine possible inspection monitoring activities, random surveillance is relied upon heavily for many monitoring inspections.

Residential development continues to expand, creating ag-urban interface issues in regards to nearby pesticide applications, most notably orchard blast applications, as well as dust and noise complaints arising from these applications. Additional surveillance and use monitoring is warranted in these areas as well.

Record audits on pesticide dealers, pest control advisors, pest control businesses, and growers are vital in ensuring employees are being trained to use pesticides and that appropriate pesticide products are being sold and used properly. We inspect county-based dealers and pest control businesses annually and pest control advisors at least once every 2 years. Growers with employees are audited when inspections with one or more non-compliances of worker safety regulations are noted.

Growers and pest control businesses will be encouraged to request compliance assistance inspections to improve on their respective operation's compliance with new pesticide laws and regulations, including the new respirator and fumigation regulations.

Field worker safety inspections are done throughout the year. Orchards and vineyards have crews pruning in the winter, thinning in the spring, and harvesting from late spring through the fall. Row crops are weeded by hand crews from spring through the summer and harvesting in the summer through the fall. Hand labor crews are targeted, as well as cotton harvesters.

The two largest cities in Kings County, Hanford and Lemoore, are seeing rapid growth leading to increased urbanization. The number of structural inspections performed will, at a minimum, be maintained.

We will continue to coordinate with the county liaison in scheduling oversight inspections.

2007/08 Inspection Goals

Agricultural Application	
Grower	60
Pest Control Operator	40
Agricultural Mix/Load	
Grower	25
Pest Control Operator	30
Field Worker Safety	60
Fumigations – Agricultural	
Field	8
Commodity	8
Structural Applications	

Branch 1	16
Branch 2/3	22
Records Inspections	
Pest Control Business Audits	20
Pesticide Dealer Audits	6
Pest Control Advisor Audits	20
Structural Headquarter Audits	2
Pre Sites	5% of Notice of Intent (Minimum)

Deliverables

- Perform inspections according to DPR's Inspection Procedures Manual.
- Target field fumigation applications to ensure compliance with new regulations.
- Target monitoring inspections on growers and pest control operators utilizing employees.
- Target pesticide applications of aldicarb and phorate at cotton planting, and applications of Tribufos and paraquat at cotton defoliation.
- Target aerial applications of post emergent herbicides in February and March for adherence to label instructions and county permit conditions.
- Hand-labor crews will be targeted for field worker safety inspections.

Investigation Response and Reporting

Goal

Thoroughly investigate every incident and complete the investigation in a timely manner with accurate and supportive information.

Two inspectors share the responsibility in handling the investigations. Miscellaneous complaints are handled by all staff. We maintain a Monthly Pesticide Episode Investigation Log for those investigations that are not assigned a Worker Health and Safety illness investigation number or a priority episode tracking number, but are included on the monthly Report 5, Section V. This log is available for review by the DPR liaison.

All complaints will be timely investigated and the investigations thorough and complete. Each report is reviewed by the PUE Deputy, and although not required, also reviewed by the Enforcement Branch Liaison. Illness investigations are forwarded to DPR in Sacramento.

Deliverables

- Thoroughly investigate all incidents and complaints.
- Complete investigations within 120 days.

C. Enforcement Response

Goal or Objective

A commitment to fairly and consistently apply Enforcement Response Regulations to incidents where violations of pesticide laws and regulations are confirmed and documented.

Enforcement Response Evaluation

All inspections documenting non-compliances are followed up with a Notice of Violation (NOV). Inspectors write up a draft NOV and submit it to the PUE Deputy for review. The NOV is then data-entered into a Microsoft Access database. NOVs are either hand-delivered to the respondent or sent by certified mail.

Investigation and inspection reports document all NOVs pending and/or issued. The PUE Deputy reviews the compliance history of each respondent and utilizes the enforcement response regulation to determine if an enforcement action is warranted. Decision Reports or Notices of Proposed Action (NOPA) are issued when appropriate. The response chosen is the one that will most likely result in sustained compliance with the most efficient use of resources, and will comply with DPR's enforcement response regulations. The NOPA, when utilized, adequately advises the respondents of their alleged violations, the proposed fine level, and their right to be heard. We will also continue to consider other enforcement options including denying or revoking restricted materials permits and licensee registrations, referring cases to DPR for licensing actions, or involving the County District Attorney. All NOVs and Enforcement/Compliance Action Summaries are submitted to DPR along with the Pesticide Regulatory Activities Monthly Report (PRAMR). A copy of the PRAMR is also provided to the Enforcement Branch Liaison. Since 2005/06, when we began utilizing the new Enforcement Response Regulations, enforcement actions on an annual basis have increased approximately 300%.

If an Administrative Civil Penalty (ACP) is warranted, the fine amount is determined utilizing Section 6130 of Title 3, California Code of Regulations.

Deliverables

- Follow-up all inspections, with a noncompliance noted, with a Notice of Violation.
- Complete all necessary follow-up inspections.
- Adhere to DPR's Pesticide Enforcement Response Regulations when determining the appropriate enforcement response to violations.